



# Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Thirty-ninth Meeting Day

Tuesday Morning

April 5 2005

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Clarence Brown, Second Baptist Church, Bedford, the guest of Representative Eric A. Koch.

The Pledge of Allegiance to the Flag was led by Representative Koch.

The Speaker ordered the roll of the House to be called:

T. Adams ☐	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders ☐
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman ☐	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 388: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

Reverend Brown lead the members in singing "Just a Little Talk with Jesus".

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 6, 2005 at 10:00 a.m.

HINKLE

Motion prevailed.

## ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1183 and 1653 and Senate Enrolled Acts 12, 44, 76, 98, 101, 193, 225, 265, 267, 453, 465, 484, and 572 on April 4.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 39

Representatives Bauer, Dvorak, Kromkowski introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION congratulating the John Adams High School Mock Trial teams for winning first and second place in the state competition.

*Whereas, The mock trial competition is designed to give students first hand experience and a full understanding of the law, court procedures, and the American judicial system;*

*Whereas, The mock trial competition helps participants become better critical thinkers, readers, and speakers;*

*Whereas, The mock trial competition also helps to improve communication between community members, teachers, government leaders, and law professionals;*

*Whereas, For the fifth straight year, a team from John Adams High School in South Bend placed first in the state competition, earning the team a right to represent Indiana at the national trials in Charlotte, North Carolina, in May;*

*Whereas, The gold medal winning team members are juniors Eric Blom, Emily Cahill, Jordan Hurwich, Avatar Joshi, Brandon Mahon, Eric Silverstri, and Stephen Veldman;*

*Whereas, The silver medal winning team members are sophomores Claire Alvis, Ryan Born, Elizabeth Fleming, Ethan Jansen, Laura Jones, Maggie Mansfield, Michael Smythe, and Emily Wine;*

*Whereas, The Most Efficient Attorney award was presented to Caity Lauer and Michael Smythe, and Eric Silverstri received a Most Effective Witness award;*

*Whereas, The teams are coached by Greg Blanford, with the help of distinguished judges and attorneys as well as law students, and are sponsored by dedicated faculty member Judith Overmyer; and*

*Whereas, The hard work and creative legal reasoning of the John Adams High School Mock Trial teams is inspiring to us all: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate the members of the John Adams High School Mock Trial teams and urge them to continue to strive for their future goals.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the gold and silver medal winning team members, coach Greg Blanford, faculty sponsor Judith Overmyer, Principal Gene Sweeney, and Superintendent Joan Raymond.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Broden.

### House Resolution 41

Representative Cochran introduced House Resolution 41:

A HOUSE RESOLUTION honoring Sister Eugene Francis Keaveney, SP.

*Whereas, February 2, 2005, marked the beginning of the 60th year since Sister Eugene Francis Keaveney entered the Sisters of Providence;*

*Whereas, As a member of the Sisters of Providence, Sister Eugene has dedicated herself to the "mission of being God's Providence in the world by committing ourselves to works of love, mercy, and justice in service among God's people";*

*Whereas, Sister Eugene, a native of Chelsea, Massachusetts, has fulfilled this mission in many ways, including teaching grades 1 through 8 and acting as a school principal in Indiana, Illinois, Maryland, Massachusetts, and the District of Columbia;*

*Whereas, Sister Eugene was also a pioneer of the Providence Self Sufficiency Ministries, a nonprofit Indiana corporation whose mission is to "provide, in collaboration with other organizations, programs designed to provide educational and family services to persons in need";*

*Whereas, Sister Eugene was one of the first houseparents of Providence House for Children Group Home and was an adult literacy teacher for Providence Self Sufficiency Ministries in Southern Indiana; the Ministries have served 1,015 adults and graduated 201 students with a general educational development (GED) diploma;*

*Whereas, Sister Eugene currently serves as the hospitality minister for the Guerin Woods Senior Center in Georgetown; and*

*Whereas, Sister Eugene Francis Keaveney has devoted her life to helping those in need; she is a shining example of the goodness that surrounds all of us: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Sister Eugene Francis Keaveney on the occasion of her 60th anniversary with the Sisters of Providence and wishes her continued happiness and success.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sister Eugene and Sister Barbara.

The resolution was read a first time and adopted by voice vote.

Representative Mays was excused.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 13

Representative T. Harris called down Engrossed Senate Bill 13 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 13-2)

Mr. Speaker: I move that Engrossed Senate Bill 13 be amended to read as follows:

Page 3, after line 10, begin a new paragraph and insert:

**"(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed**

**in the Indiana DNA data base by mistake."**

(Reference is to ESB 13 as printed April 1, 2005.)

T. HARRIS

Upon request of Representatives Crawford and Kuzman, the Speaker ordered the roll of the House to be called. Roll Call 389: yeas 72, nays 21. Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

### Engrossed Senate Bill 125

Representative Ripley called down Engrossed Senate Bill 125 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 125-1)

Mr. Speaker: I move that Engrossed Senate Bill 125 be amended to read as follows:

Page 2, after line 19, begin a new paragraph and insert:

**"SECTION 2. [EFFECTIVE JULY 1, 2005] (a) The department of insurance shall, not later than December 31, 2007, assess and report to the legislative council in an electronic format under IC 5-14-6 the:**

**(1) market availability of;**

**(2) competition for; and**

**(3) sales since June 30, 2005, of;**

**commercial uninsured motorist and underinsured motorist coverage in Indiana on July 1, 2007.**

**(b) This SECTION expires January 1, 2008."**

(Reference is to ESB 125 as printed April 1, 2005.)

RIPLEY

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 222

Representative Torr called down Engrossed Senate Bill 222 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 222-3)

Mr. Speaker: I move that Engrossed Senate Bill 222 be amended to read as follows:

Page 1, line 4, after "," insert **"and except as provided in subsection (b),"**

Page 1, line 5, after "insurance" insert **"that is issued after June 30, 2005,"**

Page 1, line 6, after "and" insert **"any"**

Page 1, line 7, delete "all of the following conditions are met:" and insert:

**(1) the waiver period does not exceed ten (10) years; and**

**(2) all of the following conditions are met:"**

Page 1, line 8, delete "(1)", begin a new line double block indented and insert:

**"(A)"**

Page 1, line 9, delete "a".

Page 1, line 12, delete "(2)", begin a new line double block indented and insert:

**"(B)"**

Page 1, line 13, delete "(A)", begin a new line triple block indented and insert:

**"(i)"**

Page 1, line 14, delete "(B)", begin a new line triple block indented and insert:

**"(ii)"**

Page 1, line 15, beginning with "include" begin a new line double block indented.

Page 2, line 1, delete "(3)", begin a new line double block indented and insert:

**"(C)"**

Page 2, line 2, delete "(A)", begin a new line triple block indented and insert:

**"(i)"**

Page 2, line 3, delete "(B)", begin a new line triple block indented and insert:

"(ii)".

Page 2, line 4, beginning with "do" begin a new line double block indented.

Page 2, line 5, delete "(4)", begin a new line double block indented and insert:

"(D)".

Page 2, line 8, delete "(5)", begin a new line double block indented and insert:

"(E)".

Page 2, line 8, delete "to review the waiver upon request if:" and insert **"to:**

- (i) review the underwriting basis for the waiver upon request one (1) time per year; and**
- (ii) remove the waiver if the insurer determines that evidence of insurability is satisfactory."**

Page 2, delete lines 9 through 16.

Page 2, line 17, delete "(6)", begin a new line double block indented and insert:

"(F)".

Page 2, line 21, delete "(7)", begin a new line double block indented and insert:

"(G)".

Page 2, line 25, delete "(1)" and insert **"(2)(A)".**

Page 2, line 26, delete "(2)" and insert **"(2)(B)".**

Page 2, line 31, delete "Notwithstanding subsection (a), an" and insert **"An"**.

Page 2, between lines 35 and 36, begin a new paragraph and insert:  
**"(c) An insurer may not, on the basis of a waiver contained in a policy as provided in subsection (a), deny coverage for any condition or complication that is not specified as required in the:**

- (1) written notice under subsection (a)(2)(A); and**
- (2) offer of coverage and policy under subsection (a)(2)(B).**

**(d) An individual who is covered under a policy that includes a waiver under subsection (a) may directly appeal a denial of coverage based on the waiver by filing a request for an external grievance review under IC 27-8-29 without pursuing a grievance under IC 27-8-28.**

**(e) An insurer that removes a waiver under subsection (a)(2)(E) shall not consider the condition or any complication to which the waiver previously applied in making policy renewal and underwriting determinations.**

**(f) Upon the expiration of the waiver period allowed under this section, the insurer shall:**

- (1) remove the waiver;**
- (2) not consider the condition or any complication to which the waiver previously applied in making policy underwriting determinations; and**
- (3) renew the policy in accordance with 45 CFR 148.122."**

Page 2, line 40, after "issued" insert **"after June 30, 2005,"**.

Page 3, line 4, after "," insert **"and except as provided in subsection (e),"**.

Page 3, line 5, after "and" insert **"any"**.

Page 3, line 6, delete "all of the following conditions are" and insert **":**

- (1) the waiver period does not exceed ten (10) years; and**
- (2) all of the following conditions are met:"**.

Page 3, delete line 7.

Page 3, line 8, delete "(1)", begin a new line double block indented and insert:

"(A)".

Page 3, line 9, delete "a".

Page 3, line 12, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 3, line 13, delete "(A)", begin a new line triple block indented and insert:

"(i)".

Page 3, line 14, delete "(B)", begin a new line triple block indented and insert:

"(ii)".

Page 3, line 15, beginning with "include" begin a new line double block indented.

Page 3, line 18, delete "(3)", begin a new line double block

indented and insert:

"(C)".

Page 3, line 19, delete "(A)", begin a new line triple block indented and insert:

"(i)".

Page 3, line 20, delete "(B)", begin a new line triple block indented and insert:

"(ii)".

Page 3, line 21, beginning with "do" begin a new line double block indented.

Page 3, line 22, delete "(4)", begin a new line double block indented and insert:

"(D)".

Page 3, line 25, delete "(5)", begin a new line double block indented and insert:

"(E)".

Page 3, line 25, delete "review the waiver upon request if:" and insert **":**

- (i) review the underwriting basis for the waiver upon request one (1) time per year; and**
- (ii) remove the waiver if the insurer determines that evidence of insurability is satisfactory."**

Page 3, delete lines 26 through 33.

Page 3, line 34, delete "(6)", begin a new line double block indented and insert:

"(F)".

Page 3, line 39, delete "(7)", begin a new line double block indented and insert:

"(G)".

Page 4, line 1, delete "(b)(1)" and insert **"(b)(2)(A)".**

Page 4, line 3, delete "(b)(2)" and insert **"(b)(2)(B)".**

Page 4, line 9, delete "Notwithstanding subsection (b), a" and insert **"A"**.

Page 4, between lines 12 and 13, begin a new paragraph and insert:  
**"(f) An insurer may not, on the basis of a waiver contained in a policy as provided in this section, deny coverage for any condition or complication that is not specified as required in the:**

- (1) written notice under subsection (b)(2)(A); and**
- (2) offer of coverage and certificate of coverage under subsection (b)(2)(B).**

**(g) An individual who is covered under a policy that includes a waiver under this section may directly appeal a denial of coverage based on the waiver by filing a request for an external grievance review under IC 27-8-29 without pursuing a grievance under IC 27-8-28.**

**(h) An insurer that removes a waiver under subsection (b)(2)(E) shall not consider the condition or any complication to which the waiver previously applied in making policy renewal and underwriting determinations.**

**(i) Upon the expiration of the waiver period allowed under this section, the insurer shall:**

- (1) remove the waiver;**
- (2) not consider the condition or any complication to which the waiver previously applied in making policy underwriting determinations; and**
- (3) renew the policy in accordance with 45 CFR 148.122."**

Page 6, delete lines 19 through 22, begin a new paragraph and insert:

**"SECTION 4. IC 27-8-29-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. As used in this chapter, "external grievance" means the independent review under this chapter of a:**

- (1) grievance filed under IC 27-8-28; or**
- (2) denial of coverage based on a waiver described in IC 27-8-5-2.5, ~~or~~ IC 27-8-5-2.7, IC 27-8-5-19.2, or IC 27-8-5-19.3.**

**SECTION 5. IC 27-8-29-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. An insurer shall establish and maintain an external grievance procedure for the resolution of external grievances regarding:**

- (1) an adverse determination of appropriateness;**
- (2) an adverse determination of medical necessity;**
- (3) a determination that a proposed service is experimental or**

investigational; or

(4) a denial of coverage based on a waiver described in IC 27-8-5-2.5, ~~or~~ **IC 27-8-5-2.7**, IC 27-8-5-19.2, **or IC 27-8-5-19.3**;

made by an insurer or an agent of an insurer regarding a service proposed by the treating health care provider.

SECTION 6. IC 27-8-29-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) An external grievance procedure established under section 12 of this chapter must:

(1) allow a covered individual or a covered individual's representative to file a written request with the insurer for an external grievance review of the insurer's:

(A) appeal resolution under IC 27-8-28-17; or

(B) denial of coverage based on a waiver described in IC 27-8-5-2.5, ~~or~~ **IC 27-8-5-2.7**, IC 27-8-5-19.2, **or IC 27-8-5-19.3**;

not more than forty-five (45) days after the covered individual is notified of the resolution; and

(2) provide for:

(A) an expedited external grievance review for a grievance related to an illness, a disease, a condition, an injury, or a disability if the time frame for a standard review would seriously jeopardize the covered individual's:

(i) life or health; or

(ii) ability to reach and maintain maximum function; or

(B) a standard external grievance review for a grievance not described in clause (A).

A covered individual may file not more than one (1) external grievance of an insurer's appeal resolution under this chapter.

(b) Subject to the requirements of subsection (d), when a request is filed under subsection (a), the insurer shall:

(1) select a different independent review organization for each external grievance filed under this chapter from the list of independent review organizations that are certified by the department under section 19 of this chapter; and

(2) rotate the choice of an independent review organization among all certified independent review organizations before repeating a selection.

(c) The independent review organization chosen under subsection (b) shall assign a medical review professional who is board certified in the applicable specialty for resolution of an external grievance.

(d) The independent review organization and the medical review professional conducting the external review under this chapter may not have a material professional, familial, financial, or other affiliation with any of the following:

(1) The insurer.

(2) Any officer, director, or management employee of the insurer.

(3) The health care provider or the health care provider's medical group that is proposing the service.

(4) The facility at which the service would be provided.

(5) The development or manufacture of the principal drug, device, procedure, or other therapy that is proposed for use by the treating health care provider.

(6) The covered individual requesting the external grievance review.

However, the medical review professional may have an affiliation under which the medical review professional provides health care services to covered individuals of the insurer and may have an affiliation that is limited to staff privileges at the health facility, if the affiliation is disclosed to the covered individual and the insurer before commencing the review and neither the covered individual nor the insurer objects.

(e) A covered individual shall not pay any of the costs associated with the services of an independent review organization under this chapter. All costs must be paid by the insurer.

SECTION 7. IC 27-8-29-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) An independent review organization shall:

(1) for an expedited external grievance filed under section 13(a)(2)(A) of this chapter, within three (3) business days after the external grievance is filed; or

(2) for a standard appeal filed under section 13(a)(2)(B) of this

chapter, within fifteen (15) business days after the appeal is filed;

make a determination to uphold or reverse the insurer's appeal resolution under IC 27-8-28-17 based on information gathered from the covered individual or the covered individual's designee, the insurer, and the treating health care provider, and any additional information that the independent review organization considers necessary and appropriate.

(b) When making the determination under this section, the independent review organization shall apply:

(1) standards of decision making that are based on objective clinical evidence; and

(2) the terms of the covered individual's accident and sickness insurance policy.

(c) In an external grievance described in section 12(4) of this chapter, the insurer bears the burden of proving that the insurer properly denied coverage for a condition, complication, service, or treatment because the condition, complication, service, or treatment is directly related to a condition for which coverage has been waived under IC 27-8-5-2.5, ~~or~~ **IC 27-8-5-2.7**, IC 27-8-5-19.2, **or IC 27-8-5-19.3**.

(d) The independent review organization shall notify the insurer and the covered individual of the determination made under this section:

(1) for an expedited external grievance filed under section 13(a)(2)(A) of this chapter, within twenty-four (24) hours after making the determination; and

(2) for a standard external grievance filed under section 13(a)(2)(B) of this chapter, within seventy-two (72) hours after making the determination."

Renumber all SECTIONS consecutively.

(Reference is to ESB 222 as printed March 25, 2005.)

TORR

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 326

Representative Frizzell called down Engrossed Senate Bill 326 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Mays, who had been excused, was present.

### Engrossed Senate Bill 352

Representative Becker called down Engrossed Senate Bill 352 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 379

Representative Cherry called down Engrossed Senate Bill 379 for second reading. The bill was read a second time by title.

#### HOUSE MOTION

(Amendment 379-2)

Mr. Speaker: I move that Engrossed Senate Bill 379 be amended to read as follows:

Page 2, delete lines 22 through 26.

Page 2, line 32, delete "A" and insert "**Subject to section 4.5 of this chapter a**".

Page 2, line 32, reset in roman "merchant".

Page 2, line 32, delete "cigarette".

Page 2, line 33, delete "manufacturer".

Page 2, line 35, reset in roman "merchant".

Page 2, line 35, delete "cigarette manufacturer".

Page 3, line 18, after "(a)" insert "**This section applies to a merchant that is not a cigarette manufacturer.**

**(b)".**

Page 3, line 18, delete "(c)," and insert "**(d),"**

Page 3, line 22, delete "(b)" and insert "**(c)"**."

Page 3, line 23, delete "(a):" and insert "**(b):"**."

Page 3, line 30, delete "(c)" and insert "**(d)"**."

Page 3, line 34, reset in roman "merchant".

Page 3, line 35, delete "cigarette manufacturer".

Page 4, line 18, reset in roman "merchant".

Page 4, line 18, delete "cigarette".  
 Page 4, line 19, delete "manufacturer".  
 Page 4, line 25, reset in roman "merchant".  
 Page 4, line 25, delete "cigarette manufacturer".  
 Page 4, line 28, reset in roman "merchant".  
 Page 4, line 28, delete "cigarette manufacturer".  
 Page 4, line 35, reset in roman "merchant".  
 Page 4, line 36, delete "cigarette manufacturer".  
 Page 4, line 36, reset in roman "merchant's".  
 Page 4, line 36, after "merchant's" delete "cigarette".  
 Page 4, line 37, delete "manufacturer's".  
 Page 4, line 41, reset in roman "merchant".  
 Page 4, line 41, delete "cigarette manufacturer".  
 Page 5, line 8, reset in roman "merchant".  
 Page 5, line 9, delete "cigarette manufacturer".  
 Page 5, line 11, reset in roman "merchant's".  
 Page 5, line 12, delete "cigarette manufacturer's".  
 Page 5, line 14, reset in roman "merchant".  
 Page 5, line 14, delete "cigarette manufacturer".  
 Page 5, line 26, reset in roman "merchant".  
 Page 5, line 26, delete "cigarette manufacturer".  
 Page 5, line 30, reset in roman "merchant".  
 Page 5, line 31, delete "cigarette manufacturer".  
 Page 5, line 41, reset in roman "merchant".  
 Page 5, line 41, delete "cigarette manufacturer".  
 Page 5, line 42, reset in roman "merchant".  
 Page 5, line 42, delete "cigarette".  
 Page 6, line 1, delete "manufacturer".  
 Page 6, line 34, reset in roman "merchant".  
 Page 6, line 34, delete "cigarette manufacturer".  
 Page 6, between lines 39 and 40, begin a new paragraph and insert:  
 "SECTION 13. IC 24-3-5.4-14 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) Not later than  
 July 1 of each year, the attorney general shall make available to the  
 public by publishing on accessIndiana (as defined in IC 5-21-1-1.5)  
 a directory listing all brand families listed in certifications filed under  
 section 13 of this chapter.  
 (b) A directory described in subsection (a) shall not include the  
 name or brand families of a nonparticipating manufacturer:  
 (1) that fails to comply with section 13 of this chapter; or  
 (2) whose certification fails to comply with section 13(c) or  
 13(e) of this chapter, unless the attorney general determines that  
 the failure has been remedied.  
 (c) The directory may not include a tobacco product manufacturer  
 or a brand family if the attorney general concludes that:  
 (1) in the case of a nonparticipating manufacturer, all escrow  
 payments required under IC 24-3-3-12 for any period for any  
 brand family, whether or not listed by the nonparticipating  
 manufacturer, have not been fully paid into a qualified escrow  
 fund governed by a qualified escrow agreement that has been  
 approved by the attorney general; or  
 (2) all outstanding final judgments, including interest on the  
 judgments, for violations of IC 24-3-3 have not been fully  
 satisfied for the tobacco product manufacturer or brand family.  
 (d) The attorney general shall update the directory as necessary to  
 correct mistakes or to add or remove a tobacco product manufacturer  
 or brand family to keep the directory in conformity with the  
 requirements of this chapter.  
 (e) The attorney general shall post in the directory and transmit by  
 electronic mail or other means to each distributor or stamping agent  
 notice of any removal from the directory of a tobacco product  
 manufacturer or brand family not later than thirty (30) days before the  
 attorney general removes the tobacco product manufacturer or brand  
 family from the directory.  
 (f) Unless otherwise provided in an agreement between a tobacco  
 product manufacturer and a distributor or stamping agent, a  
 distributor or stamping agent is entitled to a refund from a tobacco  
 product manufacturer for any money paid by the distributor or  
 stamping agent to the tobacco product manufacturer for any cigarettes  
 of the tobacco product manufacturer or brand family that:  
 (1) are in the possession of the distributor or stamping agent on;  
 or

(2) the distributor or stamping agent receives from a retailer  
 after;  
 the date on which the tobacco product manufacturer or brand family  
 is removed from the directory.

(g) Unless otherwise provided in an agreement between a retailer  
 and a distributor, stamping agent, or tobacco product manufacturer,  
 a retailer is entitled to a refund from a distributor, stamping agent, or  
 tobacco product manufacturer for any money paid by the retailer to  
 the distributor, stamping agent, or tobacco product manufacturer for  
 any cigarettes of the tobacco product manufacturer or brand family  
 that are in the possession of the retailer on the date on which the  
 tobacco product manufacturer or brand family is removed from the  
 directory.

(h) The attorney general shall not restore a tobacco product  
 manufacturer or brand family to the directory until the tobacco  
 product manufacturer pays a distributor, stamping agent, or retailer  
 any refund due under subsection (f) or (g).

(i) A distributor or stamping agent shall provide and update as  
 necessary an electronic mail address to the attorney general for  
 purposes of receiving a notification required by this chapter.

**(j) The failure of a distributor or stamping agent to receive  
 notice under subsection (e) or the failure of the attorney general  
 to provide notice of any removal from the directory of a tobacco  
 product manufacturer or brand family under subsection (e) does  
 not relieve the distributor or stamping agent of its obligations  
 under this chapter.**

SECTION 14. IC 24-3-5.4-15 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. A person may  
 not:

(1) affix a stamp to a package or other container of cigarettes;  
 or  
 (2) sell, ~~or~~ offer or possess for sale, **or import for personal  
 consumption** in Indiana cigarettes;  
 of a tobacco product manufacturer or brand family that is not listed  
 in a directory under section 14 of this chapter.

SECTION 15. IC 24-3-5.4-17 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) This section  
 applies after July 31, 2003.

(b) Not later than January 20, April 20, July 20, and October 20 of  
 a calendar year, **or more frequently if ordered by the department,  
 the commission, or the attorney general**, a distributor or stamping  
 agent shall submit the following information to the department, the  
 commission, and the attorney general:

(1) A list by brand family of the total number of cigarettes for  
 which the distributor or stamping agent affixed stamps or  
 otherwise paid taxes during the immediately preceding three (3)  
 months.  
 (2) Any other information required by the department or the  
 attorney general.

The distributor or stamping agent shall maintain and make available  
 to the department, the commission, and the attorney general for a  
 period of five (5) years all invoices and documentation of sales of all  
 nonparticipating manufacturer cigarettes and any other information  
 that the distributor or stamping agent relied on in reporting to the  
 department, the commission, and the attorney general.

(c) The attorney general may require a distributor or a tobacco  
 product manufacturer to submit additional information to determine  
 whether a tobacco product manufacturer is in compliance with this  
 chapter. The additional information may include samples of the  
 packaging or labeling of each of the tobacco product manufacturer's  
 brand families."

Renumber all SECTIONS consecutively.  
 (Reference is to ESB 379 as printed March 29, 2005.)

CHERRY

Motion prevailed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

## Engrossed Senate Bill 416

Representative Becker called down Engrossed Senate Bill 416 for  
 second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 416-3)

Mr. Speaker: I move that Engrossed Senate Bill 416 be amended to read as follows:

Delete pages 1 through 19.

Page 20, delete lines 1 through 29.

Renumber all SECTIONS consecutively.

(Reference is to ESB 416 as printed April 1, 2005.)

FRIZZELL

Upon request of Representatives Frizzell and Yount, the Speaker ordered the roll of the House to be called. Roll Call 390: yeas 60, nays 34. Motion prevailed.

HOUSE MOTION  
(Amendment 416-5)

Mr. Speaker: I move that Engrossed Senate Bill 416 be amended to read as follows:

Page 18, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 15. IC 27-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender the policyholder's insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by

law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; however, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever; however, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this

subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

- (A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.
- (B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.
- (C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.
- (D) Paying by an insurer or insurance producer thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed insurance producer thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, an insurance producer, or a solicitor duly licensed under the laws of this state, but such broker, insurance producer, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.
- (9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance producer or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of the lender's right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.
- (10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.
- (11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of insurance producers or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.
- (12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, insurance producer, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon of the right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.
- (13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

- (A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.
- (B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.
- (C) Title insurance.
- (D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.
- (E) Insurance provided by or through motorists service clubs or associations.
- (F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:
  - (i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;
  - (ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;
  - (iii) insures against baggage loss during the flight to which the ticket relates; or
  - (iv) insures against a flight cancellation to which the ticket relates.
- (14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.
- (15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.
- (16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).
- (17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.
- (18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).
- (19) Violating IC 27-1-22-25 or IC 27-1-22-26 concerning motor vehicle insurance rates.
- (20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.
- (21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.
- (22) Violating IC 27-8-26 concerning genetic screening or testing.
- (23) Violating IC 27-1-15.6-3(b) concerning licensure of insurance producers.
- (24) Violating IC 27-1-38 concerning depository institutions.
- (25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning the resolution of an appealed grievance decision.
- (26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) or IC 27-8-5-19.2.
- (27) Violating IC 27-2-21 concerning use of credit information.
- (28) Violating IC 27-8-11-3.5 or IC 27-13-15-4 concerning provider reimbursement.**

SECTION 16. IC 27-8-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) An agreement between an insurer and a provider under this chapter may not contain a provision that requires the provider to offer to the insurer a reimbursement rate that is equal to or lower than the lowest reimbursement rate that the provider offers to another insurer. (b) A violation of this section by an insurer is an unfair or deceptive act or practice in the business of insurance under**

**IC 27-4-1-4.**

SECTION 17. IC 27-13-15-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. (a) A contract between a health maintenance organization and a participating provider may not contain a provision that requires the participating provider to offer to the health maintenance organization a reimbursement rate that is equal to or lower than the lowest reimbursement rate that the participating provider offers to another health maintenance organization.**

**(b) A violation of this section by a health maintenance organization is an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4."**

Page 21, after line 25, begin a new paragraph and insert:

"SECTION 25. [EFFECTIVE JULY 1, 2005] **(a) IC 27-8-11-3.5, as added by this act, applies to an agreement between an insurer and a provider that is entered into, amended, or renewed after June 30, 2005.**

**(b) IC 27-13-15-4, as added by this act, applies to a contract between a health maintenance organization and a participating provider that is entered into, amended, or renewed after June 30, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 416 as printed April 1, 2005.)

T. BROWN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

After discussion, Representative T. Brown withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 474**

Representative Becker called down Engrossed Senate Bill 474 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 536**

Representative Borrer called down Engrossed Senate Bill 536 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 536-5)

Mr. Speaker: I move that Engrossed Senate Bill 536 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new line block indented and insert:

**"(2) Five hundred thousand dollars (\$500,000) shall be allocated annually for training and counseling assistance described in subsection (j)."**

Page 2, line 2, delete "(2)" and insert "(3)".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

**"(j) The department of workforce development shall establish procedures for applications for grants for training and counseling assistance for individuals who:**

**(1) are:**

**(A) members of a minority group (as defined in 4-13-16.5-1); or**

**(B) women;**

**(2) have been unemployed for at least four (4) weeks; and**

**(3) are not otherwise eligible for training and counseling assistance under any other program.**

**Training and counseling assistance described in this subsection may include training and counseling assistance described in IC 22-4-25-1(f). The corporation shall award grants for training and counseling assistance under this subsection in accordance with the guidelines adopted by the department of workforce development."**

(Reference is to ESB 536 as printed March 25, 2005.)

BORROR

Motion prevailed.

HOUSE MOTION  
(Amendment 536-6)

Mr. Speaker: I move that Engrossed Senate Bill 536 be amended to read as follows:

Page 1, between lines 16 and 17, begin a new line block indented and insert:

**"(1) One percent (1%) of the money in the fund annually shall be transferred to the state general fund to replace revenue lost as the result of life long learning credits granted under IC 6-3.1-29 plus any administrative fees retained by the department of workforce development under IC 6-3.1-29-21(e)."**

Page 1, line 17, delete "(1)" and insert "(2)".

Page 2, between lines 1 and 2, begin a new line block indented and insert:

**"(3) Five hundred thousand dollars (\$500,000) shall be allocated annually for training and counseling assistance described in subsection (j)."**

Page 2, line 2, delete "(2)" and insert "(4)".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

**"(j) The department of workforce development shall establish procedures for applications for grants for training and counseling assistance for individuals who:**

**(1) are:**

**(A) members of a minority group (as defined in IC 4-13-16.5-1); or**

**(B) women;**

**(2) have been unemployed for at least four (4) weeks; and**

**(3) are not otherwise eligible for training and counseling assistance under any other program.**

**The corporation shall award grants for training and counseling assistance under this subsection in accordance with the guidelines adopted by the department of workforce development."**

Page 8, line 21, delete "IC 22-4-24.5-1(c)" and insert **"IC 5-28-27-3(b)(1)".**

Page 9, line 5, delete "IC 22-4-24.5-1(c)" and insert **"IC 5-28-27-3(b)(1)".**

Page 10, delete lines 13 through 42.

Page 11, delete lines 1 through 40, begin a new paragraph and insert:

**"SECTION 6. IC 22-4-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, and amounts deposited as required by IC 22-4-10.5-7(b), shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures, except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands so acquired which are deemed necessary by the board for the proper administration of this article. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and**



such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(d) Whenever the balance in the special employment and training services fund is deemed excessive by the board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

(e) Subject to the approval of the board, the commissioner may use not more than five million dollars (\$5,000,000) during a program year for training provided by the state educational institution established under IC 20-12-61 to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training. Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs, and the remaining fifty (50%) percent is designated for building trade programs.

~~(f) The commissioner shall allocate an amount not to exceed four hundred fifty thousand dollars (\$450,000) annually for training and counseling assistance under IC 22-4-14-2 provided by state educational institutions (as defined in IC 20-12-0.5-1) or counseling provided by the department of workforce development for individuals who:~~

- ~~(1) have been unemployed for at least four (4) weeks;~~
- ~~(2) are not otherwise eligible for training and counseling assistance under any other program; and~~
- ~~(3) are not participating in programs that duplicate those programs described in subsection (e).~~

~~Training or counseling provided under IC 22-4-14-2 does not excuse the claimant from complying with the requirements of IC 22-4-14-3. Eligibility for training and counseling assistance under this subsection shall not be determined until after the fourth week of eligibility for unemployment training compensation benefits. The training and counseling assistance programs funded by this subsection must be approved by the United States Department of Labor's Bureau of Apprenticeship Training."~~

Renumber all SECTIONS consecutively.

(Reference is to ESB 536 as printed March 25, 2005.)

T. HARRIS

Motion prevailed. The bill was ordered engrossed.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 47

Representative Ulmer called down Engrossed Senate Bill 47 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 391: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused.

### Engrossed Senate Bill 54

Representative Foley called down Engrossed Senate Bill 54 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 392: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 63

Representative Duncan called down Engrossed Senate Bill 63 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 393: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:45 p.m. with the Speaker in the Chair.

Representative Bauer, who had been excused, was present.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 30 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Alting, Chair; and Antich-Carr

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 79 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Simpson

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 196 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Rogers

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 213 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Hume

Advisors: Riegsecker and Broden

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 242 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Howard

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 304 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Craycraft

Advisors: Rogers and Merritt

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 578 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Hershman, Chair; and Mrvan

Advisors: Kenley and Hume

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 590 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Riegsecker, Chair; and Simpson

Advisors: Dillon and Hume

MARY C. MENDEL  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 609 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Hume

MARY C. MENDEL  
Principal Secretary of the Senate

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 66**

Representative Becker called down Engrossed Senate Bill 66 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 394: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

**Engrossed Senate Bill 67**

Representative Ruppel called down Engrossed Senate Bill 67 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 395: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 77**

Representative Hinkle called down Engrossed Senate Bill 77 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 396: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Murphy was excused.

**Engrossed Senate Bill 100**

Representative Espich called down Engrossed Senate Bill 100 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 397: yeas 80, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 106**

Representative Torr called down Engrossed Senate Bill 106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections and insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 398: yeas 78, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Representative Whetstone was excused.

#### **Engrossed Senate Bill 117**

Representative Foley called down Engrossed Senate Bill 117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 399: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Murphy, who had been excused, was present.

#### **Engrossed Senate Bill 132**

Representative Borders called down Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 400: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 139**

Representative Alderman called down Engrossed Senate Bill 139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 401: yeas 89, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 164**

Representative Ulmer called down Engrossed Senate Bill 164 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 402: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 165**

Representative Cherry called down Engrossed Senate Bill 165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 403: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 169**

Representative Wolkins called down Engrossed Senate Bill 169 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 404: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Whetstone, who had been excused, was present. Representative Bauer was excused.

#### **Engrossed Senate Bill 171**

Representative Friend called down Engrossed Senate Bill 171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 405: yeas 78, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer, who had been excused, was present.

#### **Engrossed Senate Bill 179**

Representative Thomas called down Engrossed Senate Bill 179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 406: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused for the rest of the day.

#### **Engrossed Senate Bill 195**

Representative Heim called down Engrossed Senate Bill 195 for third reading:

A BILL FOR AN ACT concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 407: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 197

Representative Becker called down Engrossed Senate Bill 197 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 408: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 198

Representative Turner called down Engrossed Senate Bill 198 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 409: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 3:20 p.m. with the Speaker in the Chair.

Representative Saunders, who had been excused, was present.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 200

Representative Behning called down Engrossed Senate Bill 200 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 200-3)

Mr. Speaker: I move that Engrossed Senate Bill 200 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 11, after line 32, begin a new paragraph and insert:

"SECTION 12. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "department" refers to the department of education established by IC 20-19-3-1.

(b) To ensure the successful implementation of the requirement that, beginning with the 2010-2011 school year and with certain exceptions, a student must complete the Core 40 curriculum in order to graduate from high school, the department shall conduct a survey to determine whether a shortage of mathematics, science, and special education teachers exists in public schools, particularly in urban and rural areas.

(c) Not later than November 1, 2005, the department must:

(1) report the results of the survey conducted under subsection (b); and

(2) recommend strategies to address any shortages that are found to exist;

to the Indiana state board of education established by IC 20-19-2-

**2, the education roundtable established by IC 20-19-4-2, and the legislative council (in an electronic format under IC 5-14-6).**

**(d) This SECTION expires November 2, 2005."**

(Reference is to ESB 200 as reprinted March 30, 2005.)

BEHNING

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 200, begs leave to report that said bill has been amended as directed.

BEHNING

Report adopted.

The question then was, Shall the bill pass?

Roll Call 410: yeas 58, nays 39. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 201

Representative Ruppel called down Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 411: yeas 53, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 217

Representative Wolkins called down Engrossed Senate Bill 217 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 412: yeas 68, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 223

Representative Duncan called down Engrossed Senate Bill 223 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 223-1)

Mr. Speaker: I move that Engrossed Senate Bill 223 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, line 1, reset in roman "and".

Page 2, line 6, delete "and".

Page 2, delete lines 7 through 11.

Page 2, line 14, delete "The permittee or licensee is responsible for the accuracy".

Page 2, delete line 15.

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"(f) This subsection applies to a permit or license issued after June 30, 2006, and before July 1, 2011. At the request of the permittee or licensee and if the permittee or licensee provides documentation from a medical laboratory or a blood center (as defined in IC 16-41-12-3), the bureau shall include the permittee's or licensee's blood type, including the rhesus (Rh) factor with the

information required by subsection (a) on the permit or license. The permittee or licensee is responsible for the accuracy of the blood type information submitted under this subsection."

Page 3, delete lines 20 through 25.

Page 3, after line 29, begin a new paragraph and insert:

"(d) This subsection applies to an identification card issued after June 30, 2006, and before July 1, 2011. At the request of an applicant for an identification card, and if the applicant for the identification card provides documentation from a medical laboratory or a blood center (as defined in IC 16-41-12-3), the bureau shall include the applicant's blood type, including the rhesus (Rh) factor with the information required by subsection (b) on the identification card. The applicant is responsible for the accuracy of the blood type information submitted under this subsection."

(Reference is to ESB 223 as printed March 16, 2005.)

DUNCAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 223, begs leave to report that said bill has been amended as directed.

DUNCAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 413: yeas 79, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 224

Representative Becker called down Engrossed Senate Bill 224 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 414: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 233

Representative Ulmer called down Engrossed Senate Bill 233 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 415: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 244

Representative Borrer called down Engrossed Senate Bill 244 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 416: yeas 54, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 253

Representative Ripley called down Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 417: yeas 82, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 279

Representative Wolkins called down Engrossed Senate Bill 279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 418: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Wolkins was excused for the rest of the day.

#### Engrossed Senate Bill 293

Representative Frizzell called down Engrossed Senate Bill 293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 419: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 308

Representative Hinkle called down Engrossed Senate Bill 308 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 420: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 322

Representative Foley called down Engrossed Senate Bill 322 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 421: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 363

Representative Foley called down Engrossed Senate Bill 363 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 422: yeas 76, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 43, 60, 111, 175, 303, 315, and 513 for signature.

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 49 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Ford, Chair; and Broden  
Advisors: Drozda and Mrvan

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 298 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Hume  
Advisors: Gard and R. Young

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 329 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Craycraft

MARY C. MENDEL  
Principal Secretary of the Senate

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 13 and that Representative L. Lawson be removed as cosponsor.

T. HARRIS

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 47.

ULMER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 54.

FOLEY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 117.

FOLEY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Mays, J. Lutz, Robertson, Austin, and T. Adams be added as cosponsors of Engrossed Senate Bill 127.

TORR

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as cosponsor of Engrossed Senate Bill 139.

ALDERMAN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 164.

ULMER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas and Tincher be added as cosponsors of Engrossed Senate Bill 165.

CHERRY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Woodruff be added as cosponsor of Engrossed Senate Bill 224.

BECKER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres and Bright be added as cosponsors of Engrossed Senate Bill 230.

BECKER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 233.

ULMER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Davis and Woodruff be added as cosponsors of Engrossed Senate Bill 278.

ESPICH

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as cosponsor of Engrossed Senate Bill 363.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Harris, Heim, and Messer be added as cosponsors of Engrossed Senate Bill 371.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as cosponsor of Engrossed Senate Bill 378.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bright be added as cosponsor of Engrossed Senate Bill 509.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as cosponsor of Senate Concurrent Resolution 11.

POND

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Klinker, the House adjourned at 6:05 p.m., this fifth day of April, 2005, until Wednesday, April 6, 2005, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives